

The Role of Collective Labor Agreements (CLA) To Create Legal Certainty for Workers in the Settlement of Study Labor Disputes at PT Panggung Jaya Indah Textile

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Abstract

This article discusses the role of Collective Labor Agreements to create legal certainty for workers in the settlement of labor disputes at PT Panggung Jaya Indah Textile. This study aims to determine the legal protection obtained by workers listed in the collective labor agreement to create legal certainty. This study uses a normative juridical research method by examining and interpreting theoretical matters concerning principles, conceptions, doctrines and legal norms relating to civil case evidence. The results show that legal protection for workers listed in collective labor agreements to create legal certainty can be seen in subjective legal protection while other forms of protection can be seen in social protection, economic protection and technical protection in order to provide legal certainty, especially for all workers listed in the collective bargaining agreement. Furthermore, the fulfillment of labor rights in the settlement of labor disputes is regulated in Law Number 13 of 2003 concerning Manpower and Law Number 11 of 2020 concerning Job Creation in the form of the right to protection of job security, social security and compensation.

Keywords: Joint Working Agreements, Legal Certainty, Labor Dispute Resolution.

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INTRODUCTION

Entering the era of globalization, especially in the employment sector, it will face considerable challenges, competition between the business worlds will be increasingly tight and the use of advanced technology will receive more attention so that the selection of workers will be more selective. Only workers who have good personal qualities, intellectuals and high degrees of health can ultimately achieve success. In addition, the use of the international labor market demands various requirements as well as qualifications and human relations, as well as the success of training for workers so far, will increase their legal awareness regarding rights and obligations in industrial relations and this opens up opportunities for industrial disputes both concerning rights and interests including welfare, safety and health at work.

National development in a country cannot be separated from the economic sector of the country itself; in essence national development is a method or basis for strengthening the economy of the country concerned. National development is carried out in the

context of complete human development and the development of Indonesian society as a whole. This development must truly be felt by all Indonesian people as an improvement in the level of living with social justice. Workers are the core of a company, with workers; the company can run well. Workers will receive wages or rewards from the results of their work. What regulates the workforce is contained in Law Number 13 of 2003 concerning Manpower and Collective Labor Agreements (PKB) which have been agreed upon in each company. In every job that is undertaken, workers need protection from the company where they work.

Collective Labor Agreements (PKB) or Collective Labor Agreements (KKB) are made to determine the exact rights and obligations in order to improve welfare and peace of mind, so it is necessary to make a guideline or a work rule that is agreed between the Trade Unions/Laborer and the Company as a rule in implementation of the working relationship and made in writing and registered with the authorized agency. Thus, an agreement or disagreement between the Trade

Union/Laborer and the Employer has a definite legal force if it is made without violating the terms of the validity of the agreement. As a form of protection for workers/ laborers or balancing the interests between workers/ laborers and employers, the State of Indonesia has made clear rules in the form of a manpower law. Broadly speaking, there are three laws that are now the guidelines for workers/laborers and entrepreneurs, namely:

Law Number 13 of 2003 concerning Manpower, Law Number 2 of 2004 concerning Settlement of Industrial Relations Disputes, Law Number 21 of 2000 concerning Trade Unions/Labor Unions. Meanwhile, Law Number 13 of 2003 concerning Manpower in Article 1 Number 21 states that a Collective Labor Agreement is an agreement that is the result of negotiations between a trade union/labor union and several trade unions/labor unions registered with the agency responsible for the field of Manpower. With an entrepreneur, or several entrepreneurs or an association of entrepreneurs or an association of entrepreneurs that contains the working conditions, rights and obligations of both parties.

One form of protection and legal certainty for workers is through the implementation and application of work agreements and the formation of trade unions. The protection of workers is intended to guarantee the basic rights of workers or laborers and guarantee equal opportunities and non-discriminatory treatment on any basis to realize the welfare of workers or laborers and their families while taking into account the development of the progress of the business world. Its implementation can be implemented through a Collective Labor Agreement or commonly abbreviated as PKB. Therefore, with the PKB, employers or superiors in a company cannot treat workers arbitrarily. Collective Labor Agreement or PKB is an agreement that is the result of negotiations between a trade union and several trade unions registered with the agency responsible for manpower affairs (Disnaker) and an entrepreneur, or several entrepreneurs or an association of entrepreneurs that contains the working conditions, rights and obligations of both sides.

Collective Labor Agreement (PKB) must create welfare and comfort in the working relationship by continuing to carry out and comply with every regulation of rights and obligations contained in a Collective Labor Agreement (PKB), so that the Collective Labor Agreement (PKB) between employers and trade unions/labor unions can create a harmonious relationship in a company. Based on the above background, it can be concluded that the Collective Bargaining Agreement is a result of negotiations between unions, employers and workers with the aim of creating harmonization between employers and workers in a company so that they can still comply with the rights and obligations that have been agreed upon in the

collective work agreement. Based on the description above, the writer is interested in reviewing and writing a thesis with the title "The Role of Collective Labor Agreements (PKB) To Create Legal Certainty against Workers in Study Labor Disputes Settlement at PT Panggung Jaya Indah Textile.

METHOD OF RESEARCH

In this study, the author uses a normative juridical research method. The normative juridical approach is carried out by examining and interpreting theoretical matters concerning the principles, conceptions, doctrines and legal norms relating to the proof of civil cases (legal research for cases) In-concrete. As a normative science, legal science has a unique way of working in helping to solve legal problems faced by society. The normative juridical approach is an approach that is based on the main legal material by examining theories, concepts, legal principles and laws and regulations related to this research. This approach is also known as the library approach, namely by studying books, laws and regulations and other documents related to this research.

RESEARCH RESULT AND DISCUSSION

1. Legal Protection for Workers Included in Collective Labor Agreements to Create Legal Certainty

In labor law, work agreements are a form of protection for workers to ensure the basic rights of workers, equal opportunities and treatment without discrimination. In the work agreement, all rights and obligations are laid down on a reciprocal basis between the employer and the worker, so that both parties in carrying out the employment relationship are bound by what they agreed to in the work agreement and the applicable laws and regulations.

Besides that, the government also has a role to handle labor problems through various laws and regulations. This was intended to provide legal certainty to the rights and obligations of employers and workers as well as to create social justice in the field of employment so that a harmonious relationship can be achieved. Protection of workers is intended to guarantee the basic rights of workers/laborers and ensure equal opportunity and treatment without discrimination on any basis to realize the welfare of workers/laborers and their families while taking into account the progress of the business world. One form of embodiment of increasing the dignity of workers/ laborers is the protection of the rights of workers/ laborers both as agreed in the Employment Agreement and as set forth in the Company Regulations or Collective Labor Agreements.

Legal protection has the meaning as protection by using legal means or protection provided by law, shown to certain interests, namely by making interests also called subjective law. Subjective law is an active

aspect of the legal relationship provided by objective law; in terms of subjective law are norms, rules. Legal protection is always related to the role and function of law as a regulator and protection of the public interest.

Legal protection for workers is very necessary considering the position of workers is on the weak side. Protection of workers is intended to ensure the fulfillment of basic rights of workers and guarantee equal opportunity and treatment without discrimination on any basis to realize the welfare of workers. In theory, in Pancasila Industrial Labor relations, there is a legal principle which states that workers and employers have equal positions.

According to labor terms, they are called work partners. But in practice, the position of the two is not equal. Entrepreneurs as owners of capital have a higher position than workers. This is clearly seen in creation. Given the position of workers who are lower than their employers, it is necessary to intervene by the government to provide legal protection, so that justice in employment can be achieved more quickly. Kranenburg is an adherent of the theory of the welfare state.

The aim of the state is not only to maintain law and order, but also to be active in seeking the welfare of its citizens. Welfare in this case covers various fields, so that the goals of the state are called plural, namely efforts to achieve state goals are based on equitable and balanced justice.

In essence, the legal position of workers based on the provisions of Article 27 of the 1945 Constitution is the same as that of employers. In fact, socio-economically the position between workers and employers is not the same (especially those who are unskilled). This unequal position is caused by the fact that workers only rely on labor to carry out their work, while employers often regard workers as objects in the employment relationship. This situation is considered to give rise to a tendency for employers to act arbitrarily to workers/labor.

Imam Soepomo divides worker protection into 3 (three) types, namely as follows:

- a. Economic protection, which is a type of protection related to efforts to provide workers with an income sufficient to meet their daily needs for themselves and their families, including if the worker is unable to work because of something against his will. This protection is called social security, which is now better known as labor social security.
- b. Social protection, which is a type of worker protection related to community efforts, the purpose of which is to enable the worker to enjoy and develop his life as human beings in general, and as members of the community and

family members; or so-called occupational health.

- c. Technical protection, which are the efforts to protect workers from the dangers of accidents that can be caused by planes or other work tools or by materials processed or manufactured by the company. This type of protection is called work safety.

In Article 56 of Law Number 13 of 2003 concerning Manpower (hereinafter referred to as UUK) it is stated that the work agreement is made for a certain time or for an indefinite time. A Specific Time Work Agreement (hereinafter referred to as PKWT) is based on a certain period of time or completion of a particular job. A work agreement for a certain time can only be made for certain jobs which according to the type and nature or activities of the work will be completed within a certain time.

However, based on the facts on the field, it shows that there are still many companies that do not implement the provisions in the UUK. For this reason, the role of the government is needed to deal with labor/employment issues through various laws and regulations. This is intended to provide legal protection for the rights and obligations of employers and workers/labor. If the relationship between the worker and the employer remains completely left to the parties (labor and employer).

The employment agreement that underlies the birth of the working relationship between the worker/laborer and the entrepreneur or employer contains rights and obligations as an imperative condition with the main material, namely the existence of elements of work, wages (or other forms of compensation), and orders. This provision also applies to the model of a certain time work agreement which contains elements of work of a certain type and nature with a certain period of time. The thought of the welfare state theory is accommodated in the opening of the 1945 Constitution of the Republic of Indonesia. Thus, in the context of the employment relationship, it cannot be separated from the role and objectives of the State so that exploitation by employers of workers in employment relations can be prevented. Limitations should get legal protection, in addition to being mandatory as a constitutional right.

Legal protection for workers is the fulfillment of basic rights inherent and protected by the constitution as regulated in Article 27 paragraph 2 of the Constitution of the Republic of Indonesia, namely that every citizen has the right to work and a decent living. Protection of workers is intended to guarantee the rights of workers. - workers' rights and guarantee equal opportunity and treatment without any discrimination in order to realize the welfare of workers and their

families while still paying attention to the development of the progress of the business world and the interests of entrepreneurs. Legislation related to protection for workers namely Law Number 13 of 2003 concerning Manpower and implementing regulations from legislation in the field of manpower as well as in Law Number 11 of 2020 concerning Job Creation.

Protection of workers/laborers who use a Specific Time Work Agreement (PKWT) as regulated in Law Number 13 of 2003 concerning Manpower and its implementing regulations, namely in Article 59 paragraph (1) of Law Number 13 of 2003 concerning Manpower which states that a work agreement for a certain time can only be made for certain jobs which according to the type and nature or activities of the work will be completed within a certain time, namely:

- a. Jobs that are once completed or temporary in nature;
- b. Work which is estimated to be completed in a not too long time and a maximum of 3 (three) years;
- c. Seasonal work; or
- d. Jobs related to new products, new activities, or additional products that are still being tested or explored.

Article 88 paragraphs (1) and (2) of Law Number 13 of 2003 concerning Manpower states that every worker/ laborer has the right to earn an income that fulfills a decent living for humanity. And to realize an income that meets a decent living for humanity, the government establishes a wage policy that protects workers/laborers.

The minimum wage is a form of protection from the government based on the need for a decent living and by taking into account productivity and economic growth. The minimum wage is the lowest monthly wage consisting of basic wages, including fixed allowances.¹² The minimum wage is the benchmark for employers in providing salaries. The government stipulates the minimum wage based on the need for a decent living by taking into account productivity and economic growth.¹³ The need for a decent living is the amount of what they receive or income of workers/laborers from the results of their work so that they are able to meet the basic necessities of life for workers/laborers and their families in a reasonable manner which include food and drink, clothing, housing, education, health, recreation, and Old Age Security (JHT).

The purpose of government intervention in the labor sector is to create fair labor, because labor laws and regulations provide rights for workers/workers as whole human beings, therefore they must be protected both in terms of their safety, health, decent wages and so on. In addition, the government must also pay

attention to the interests of the entrepreneur/employer, namely the continuity of the company.

The government (state) must be able to position itself as a wise regulator through the establishment and implementation of the Manpower Law because the Manpower Law will be the main means for implementing government policies in the manpower sector itself. Labor policy in Indonesia can be seen in the 1945 Constitution as the State Constitution, as well as in related laws and regulations. Especially regarding manpower, if it is considered, the 1945 Constitution of the Republic of Indonesia actually contains legal politics regarding employment, namely Article 27 of the 1945 Constitution of the Republic of Indonesia and Article 28D. Work and protect everyone in their work.

Based on the discussion above, it can be concluded that the legal protection for workers listed in the Collective Labor Agreement to create legal certainty can be seen in subjective legal protection while other forms of protection can be seen in social protection, economic protection and technical protection in order to provide legal certainty, especially for all workers listed in the collective labor agreement.

2. Fulfillment of Labor Rights in the Settlement of Labor Disputes Based on Law 13 of 2003 Concerning Manpower and Law Number 11 of 2020 Concerning Job Creation

Industrial Relations Dispute Settlement at PT Panggung Jaya Indah Textile refers to Law Number 2 Year 2004 concerning Relational Dispute Settlement Industry which is the benchmark used in employment disputes or termination of employment (PHK) between workers or trade unions/labor unions and employers in companies in Pekalongan City. In addition, the employment relationship cannot be separated from the work agreement, as mandated in Law Number 13 of 2003 concerning Manpower and Law Number 11 of 2020 concerning Job Creation. The meaning of a work agreement can be equated with an employment relationship. In simple terms, an employment relationship can be likened to an employment agreement. An employment agreement is a way or a bridge to achieve an employment relationship.

It is necessary to underline that the employment relationship only exists in the relationship between the worker and the employer after an employment agreement has been entered into. The relationship between a non-laborer and a non- employer is not a working relationship, for example, the relationship between a doctor and someone who wants treatment, so the doctor does work for the person receiving treatment but not under his leadership.

Then every time there is an employment relationship, there will definitely be industrial relations

disputes, including dismissal disputes, which must be resolved first through bipartite negotiations. Bipartite negotiations are carried out by means of deliberation between workers and employers. Meanwhile, rights are everything that must be obtained by everyone who has been there since birth, even from the womb. The rights of workers/laborers are always attached to every person who works for a salary and because his work is under the orders of the employer, a worker needs to get guaranteed protection from arbitrary actions from the person who pays his salary. The rights of the worker/laborer appear simultaneously when the worker/laborer binds himself to the employer to do a job.

The basic rights of workers must be protected because it has been regulated in Law No. 13 of 2003. Those who violate will of course be given sanctions. The kinds of basic rights of workers/laborer that must be protected are:

1. The right to receive wages.
2. Working hour's protection
3. Holiday allowance protection
4. Workers' Social Security Protection
5. Layoff compensation
6. Leave entitlements

Every worker/laborer has rights when they are laid off by the employer, either as stated in the Collective Labor Agreement (PKB) or according to the relevant laws. Workers/laborer have their rights including: severance pay, gratuity for years of service, compensation for losses. Severance pay is a payment in the form of money from employers to workers as a result of layoffs, the amount of which is adjusted to the working period of the worker. The period of service award is the employer's award money to the worker whose amount is related to the length of the service period. Compensation money is a gift in the form of money from the employer to the worker as a substitute for the rights that have not been taken, such as annual rest, long rest, travel expenses to the place where the worker is accepted to work, medical facilities, housing facilities.

Judging from the description above, the Fulfillment of Labor Rights in the Settlement of Labor Disputes based on Law 13 of 2003 concerning Manpower and Law Number 11 of 2020 concerning Job Creation include rights such as the right to protection of job security, social security and compensation.

CONCLUSION

- a. Legal protection for workers listed in collective labor agreements to create legal certainty can be seen in subjective legal protection while other forms of protection can be seen in social protection, economic protection and technical protection in order to provide legal certainty, especially for all workers who stated in the collective bargaining agreement.
- b. Fulfillment of labor rights in the settlement of labor disputes based on Law Number 13 of 2003 concerning Manpower and Law Number 11 of 2020 concerning Job Creation, including rights such as the right to protection of job security, social security and compensation

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